

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 7391

Petition of Vermont Electric Power Company,     )  
Inc., and Vermont Transco, LLC, for authority     )  
to condemn easement rights in property interests     )  
of Scott A. Douglas, Ellen M. Berrings, and     )  
Charter One Bank, F.S.B., in Waterbury,     )  
Vermont, for the purpose of constructing the     )  
115 kV transmission line portion of the     )  
Lamoille County Project     )

Order entered: 9/9/2015

**PROCEDURAL ORDER RE: DISMISSAL WITH PREJUDICE**

**I. REPORT**

On September 8, 2008, Vermont Electric Power Company, Inc., and Vermont Transco, LLC (collectively, "VELCO") filed a petition ("Petition") with the Vermont Public Service Board ("Board") requesting the condemnation of certain property rights in a parcel of land in Waterbury, Vermont, on which VELCO seeks to construct a portion of the Lamoille County Project, consisting of the construction of a 115 kV transmission line from Stowe to Duxbury, Vermont, and accompanying facilities, pursuant to a Certificate of Public Good issued by the Board in Docket No. 7032 on March 16, 2006.

On January 23, 2009, VELCO filed a letter with the Board stating that it had reached an agreement with the property owners regarding an easement on the property at issue and that a closing was scheduled to occur on that same day, January 23, 2009. The letter also stated that, once all of the details of the closing were resolved, VELCO would petition the Board to dismiss the present condemnation action.

On August 4, 2015, I issued a Procedural Order requesting a status update from VELCO.

On August 20, 2015, VELCO filed a motion to dismiss the Petition, with prejudice, pursuant to V.R.C.P. 41(a)(2), noting that an agreement with the property owners had been

reached and that the only prejudice arising from granting a motion to dismiss would be to VELCO.<sup>1</sup>

## **II. RECOMMENDATION**

Accordingly, I recommend that the Board dismiss this Docket, with prejudice, pursuant to V.R.C.P. 41(a)(2).

Because this decision is not adverse to the interests of any party, it need not be circulated to the parties pursuant to 3 V.S.A. § 811.

This report is made to the Board pursuant to 30 V.S.A. § 8.

Dated at Montpelier, Vermont, this 9<sup>th</sup> day of September, 2015.

s/John C. Gerhard  
John C. Gerhard, Esq.  
Hearing Officer

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1. Motion to Dismiss at 2.

**III. ORDER**

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the Public Service Board of the State of Vermont that:

1. The Report and Recommendation of the Hearing Officer are accepted.
2. The motion to dismiss the petition to condemn is granted with prejudice.
3. This docket shall be closed.

Dated at Montpelier, Vermont, this 9<sup>th</sup> day of September, 2015.

<u>s/James Volz</u>	)	
	)	PUBLIC SERVICE
	)	
<u>s/Margaret Cheney</u>	)	BOARD
	)	
	)	OF VERMONT
<u>s/Sarah Hofmann</u>	)	

**OFFICE OF THE CLERK**

FILED: September 9, 2015

ATTEST: s/Susan M. Hudson  
Clerk of the Board

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: [psb.clerk@vermont.gov](mailto:psb.clerk@vermont.gov))*